

HB 198, HCA 1 -- ARREST WITHOUT WARRANT

CO-SPONSORS: Stevenson, Wilson (130), Smith (14), Ruestman, Bough, Moore, Bruns, Dixon

COMMITTEE ACTION: Voted "do pass" by the Committee on Crime Prevention and Public Safety by a vote of 18 to 0.

This bill allows police to detain a person for 36 hours without charging the person with a crime, when the person is arrested without an arrest warrant. Current law allows police to detain a person for 24 hours when the person is suspected of committing a dangerous felony, and for 20 hours when the person is suspected of committing any other crime.

HCA 1 -- Increases the maximum detaining period to 36 hours only when the person is suspected of committing a dangerous felony. For persons suspected of all other crimes, the maximum detaining period will remain 20 hours.

FISCAL NOTE: No impact on state funds.

PROPONENTS: Supporters say that Missouri has the lowest maximum detaining period in the country. Many states have no maximum at all, though federal law limits them to 72 hours. Twenty hours is simply not enough time to properly investigate many cases. So what often happens is that the prosecutor will charge a lesser offense (for which evidence is already in hand) but he will ask for a disproportionately high bond amount, in order to keep the suspect in custody while the police investigate. The short time frame also causes a financial hardship on county sheriff's departments. A deputy sheriff may have to work two or three hours overtime just to get the paperwork done so that the arrest can be processed within the 20 hours. This problem is even worse now, with budget cuts forcing layoffs at many sheriff's departments.

Testifying for the bill were Representative Stevenson; Bill Tackett, Cole County Prosecutor; Missouri Police Chiefs' Association; Larry Plunkett, Wayne County Sheriff; and Steven Hays, Neosho City Prosecuting Attorney.

OPPONENTS: Those who oppose the bill say that the law enforcement system has worked well the way it is for a long time. With some arrests, it will be hard for the state to make its case no matter how much time they have. The longer persons are detained, the more their lives are disrupted. In addition, the jails will become more crowded. This will cause more minor parole violators to be sent to the Department of Corrections, rather than being kept at the county jail. As a result, the bill

will have a substantial fiscal impact, contrary to what the fiscal note says.

Testifying against the bill were Missouri Association of Criminal Defense Lawyers; and Missouri Association of Social Welfare.

Richard Smreker, Senior Legislative Analyst